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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,346	01/26/2001	Daithi Larkin	13841.016US1	6036
21186	7590	01/25/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			JEAN, FRANTZ B	
			ART UNIT	PAPER NUMBER
			2151	9

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,346

Applicant(s)

LARKIN ET AL.

Examiner

Frantz B. Jean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner:
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This office action is in response to the amendment filed on 10/04/04. Claims 1-13 are pending in the application. Claims 3-13 have been added by the amendment filed on 10/04/04.

The drawings filed on 10/04/04 have been accepted by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. ("Customer Network Management and Control of Broadband VPN Services," Proc. IFIP/IEEE International Symposium on Integrated Network Management, May 1997, pp. 301-314) in view of Poisson et al. (U.S. Pub. No. 2003/0033401).

As to claim 1, Chan teaches a system comprising:

- a service processing switch having a plurality of network resources allocatable to a plurality of subscribers (pg. 304, par. 2; pg. 302, par. 4; Chan discloses a CPN switch for accessing VPN services (network resources));

- a service provider management server operable to configure the plurality of network resources, said configuration including are allocation of a subset of the network resources to a subscribing enterprise . . . (pg. 304, par. 2-3; Chan discloses a VPN provider (service provider management server) that allocates a portion of available bandwidth (network resources) to each VPG (subscribing enterprise));

- a subscriber management server communicably coupled to the service provider management system and operable to further configure the subset of the network resources (Fig. 3; pg. 306, par. 2; Chan discloses a VPN controller (subscriber management server) which communicates with a provider (service provider management system), and allocates bandwidth (network resources) to a VPG); and

- a subscriber management client communicably coupled to the subscriber management server, said client operable to issue configuration requests to the subscriber management server (Fig. 3; pg. 306, par. 2; Chan discloses a VPG controller (subscriber management client) that interacts with the VPN controller (subscriber management server) to get additional bandwidth (configuration request) when needed).

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Chan fails to teach the limitation of the service provider management server communicably coupled to the service processing switch.

However, Poisson teaches the limitation of a service provider management server communicably coupled to the service processing switch (par. 0031; Poisson discloses an ISP coupled to an extranet switch for a private network).

It would have obvious to one of ordinary skill in the art at the time of the invention to modify Chan in view of Poisson so as to have communication between the provider and VPG via a switch. One would be motivated to do so to enable a remote user to access resources on different networks in the VPG.

As per claims 3-8, the combination Chan and Poisson implicitly and explicitly teach a plurality of network resources that includes a packet filter, firewall, network address translation module, a virtual router a VPN and multiple processing elements (see Chan's fig 3-8 and section 4 of Chan reference).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Chan et al. ("Customer Network Management and Control of Broadband VPN Services," Proc. IFIP/IEEE International Symposium on Integrated Network Management, May 1997, pp. 301-314).

As to claim 2, Chan teaches a method comprising:

- allocating by a service provider a subset of network processing resources to a subscribing enterprise (pg. 304, par. 2-3; Chan discloses that a VPN provider allocates a portion of available bandwidth to each VPG (subscribing enterprise));

- receiving by a subscriber management system a configuration request related to the subset of network resources from a user within the subscribing enterprise (pg. 304, par. 3; Chan discloses that a VPN controller (subscriber management system) receives information on the need for more bandwidth in the VPG (subscribing enterprise));

- forwarding the request to a service, provider management server (pg. 306, par. 2; Chan discloses that the VPN controller requests more bandwidth from the provider (service provider management system); and

- processing the request by the service provider management system (pg. 307, par. 2; Chan discloses that the VPN controller arranges for the bandwidth with the provider (service provider management system)).

As per claims 9-13, the combination Chan and Poisson inherently and explicitly teach a plurality of network resources that includes a packet

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filter, firewall, network address translation module, a virtual router a VPN and multiple processing elements (see Chan's fig 3-8 and section 4 of Chan reference).

Response to Arguments

Applicant's arguments filed 10/04/04 have been fully considered but they are not persuasive.

Applicants argued that Chan alone and in combination with Poisson fail to teach a service processing switch described in Chan is different from the one claimed by applicant because Chan service processing switch allocates resources on a customer's network and does not allocate resources to multiple customers. Examiner respectfully submits that the service processing switch provided by Chan provide the same function as the one provided by the claimed invention because by allocating resources on a customer's network, it enables subscribers to access a vast resources that are readily available while the network resources allocatable to the subscribers can be very limited. In other words it can be said that Chan's service processing switch is broader in functionality than the service processing of the claimed invention. Therefore, Chan implicitly teaches the above limitation (see Chan section 4 and figs 3-8).

Furthermore, regarding a virtual router and firewall, all those limitations are inherent in a VPN environment (see section 4 of Chan's reference). As per network address translation modules (see section 4 of Chan's reference).

Applicants are requested to review the prior art of record for further consideration.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

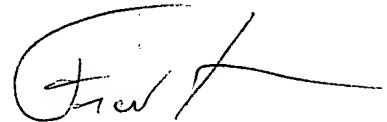
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz B. Jean



FRANTZ B. JEAN
PRIMARY EXAMINER